

In the Court of Appeals of the State of Alaska

Ivan Bolden,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals No. **A-12341**

Order

Petition For Rehearing

Date of Order: **August 20, 2019**

Trial Court Case No. **4FA-14-02281CR**

Before: Allard, Chief Judge, and Wollenberg and Harbison, Judges.

In *Bolden v. State*, 2019 WL 1752590 (Alaska App. Apr. 17, 2019) (unpublished), we affirmed Ivan Bolden’s conviction for third-degree assault. Bolden then filed a petition for hearing with the Alaska Supreme Court. The supreme court remanded Bolden’s petition for hearing to this Court to treat as a petition for rehearing. *See* Alaska R. App. P. 506(a)(3).

In his petition, Bolden argues that we failed to consider how the errors in his case cumulatively prejudiced the jury’s verdict.

The doctrine of cumulative error applies when actual errors have been identified, and when “the impact of [these] errors at trial is so prejudicial that the

defendant was deprived of a fair trial, even if each individual error was harmless.”¹ As such, “the doctrine of cumulative error is really a doctrine of cumulative prejudice.”²

Here, this Court identified only two errors that could potentially have resulted in prejudice — the prosecutor’s questioning of Officer Werner regarding the truth of suspects’ statements and the prosecutor’s appeal to the jury to find Bolden guilty because “[s]uch a verdict is mandated by the evidence in this case, and it’s the mechanism for keeping victims like Ms. Brower safe from abusers like him [Bolden].” (A third error — the prosecutor’s references in closing argument to medical evidence not in the record — is moot because Bolden was not convicted of the related strangulation charge.)

We have reviewed the record in response to Bolden’s petition, and we conclude that these errors, even when viewed in combination, did not deprive Bolden of a fair trial and therefore do not require reversal of Bolden’s conviction.

Accordingly, we **DENY** Bolden’s petition for rehearing.

Entered at the direction of the Court.

¹ *Roussel v. State*, 115 P.3d 581, 585 (Alaska App. 2005) (citing *Drumbarger v. State*, 716 P.2d 6, 16 (Alaska App. 1986)).

² *State v. Savo*, 108 P.3d 903, 916 (Alaska App. 2005).

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Clerk of the Appellate Courts



Meredith Montgomery

cc: Court of Appeals Judges
Judge McConahy
Trial Court Appeals Clerk
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